

**TOWN OF ROCKY HILL
ZONING BOARD OF APPEALS
MEETING OF MAY 20, 2014**

1. CALL TO ORDER

Chairman Reilly called the Tuesday, May 20, 2014 meeting to order at 7:00 p.m. in the 2nd Floor Meeting Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: James Reilly, Chairman
Joe Coelho, Vice Chairman
Phil Benoit, Secretary
Christopher Incarvito
Greg Faulkner, Commissioner

Alternates: William Tangney

Also: Frank Kelley, Zoning Enforcement Officer
Eileen A. Knapp, Recording Secretary

Chairman Reilly went over the procedures for the public hearings and noted that any decision of the Board can be appealed within 15 days of the decision. Secretary Benoit read the legal notice.

2. PUBLIC HEARING

A. Appeal 2014 - 6, Joseph M. Young, requesting a variance of Section 3.5.1 of the Rocky Hill Zoning Regulations for a side yard variance of 10.3 feet and an aggregate side yard variance of 5.5 feet to construct an attached two car garage(24' by 30') for property located at 8 Textbook Avenue in a R-20 Residential Zoning District; ID # 09-427;

Attorney Sal Petrella of with the Law Office of Salvatore J. Petrella, LLC, 630 Main Street, Cromwell addressed the Commission representing the applicant. They are asking for this variance in order to construct a 2-car garage on the easterly side of their home, which is in the R20 – residential zone. The homeowners have about 50' of combined side yard open space and the house is slightly offset on the property. If granted they would have a side yard setback on the garage side of about 4.7', leaving a combined side yard setback of 24.5'. He noted that the garage they are proposing would be adjacent to another garage on the abutting property; not an actual living area. There are also some trees along the property line to provide screening. Atty. Petrella showed pictures of the property showing where they are proposing to put the garage.

As far as the hardship, the way the house is situated on the lot and the fact that the backyard is subject to flooding, there is no other place they can construct this garage. This is a very small lot

and it was developed in the 1950's when people had only one car, if any. They don't feel a one car garage would work because with two cars, the owners would have to jockey their cars around to get in and out. Atty. Petrella also feels that a one car garage would detract from the property value of the home. Mr. Young has a job where he has to go out in the middle of the winter to tow cars and he doesn't have time to clean his car off when responding to a call from the Police Department. There is also the possibility that Mrs. Young's disabled father may be moving in to live with them and the having the garage would enable him to get in and out of the house easier.

Atty. Petrella asked the Commission to look at the purpose of zoning. This variance is not going to affect the abutting properties or the comprehensive zoning plan. He feels this addition is in harmony with the rest of the neighborhood. Atty. Petrella submitted a rendition of what the garage would look like.

Commissioner Comments/Questions

Commissioner Benoit asked why they couldn't remove the vestibule on the site of the house, giving them more space. Mr. Young said there is a bathroom in that area, which they don't want to lose. Mrs. Young said if her father moves in they would make that a handicap accessible bathroom.

Commissioner Incarvito asked where the trees are in reference to the property line. Mr. Young said they belong to the neighbors and they are about 1 foot off the property line. Commissioner Incarvito asked if they would be paving their driveway. Mr. Young said they would be.

Public

The following neighbors spoke in favor of the application: **Resident of 16 Valley Brook Road, Mark Tererra – 10 Textbook Road, Nick Carolla – 18 Valley Brook Road**

B. Appeal 2014 – 7, Richard G. Pelletier, requesting a variance of Section 3.5.1 of the Rocky Hill Zoning Regulations for a side yard variance of 9.5 ' to construct a detached one car garage (12' by 24') for property located at 21 Stepney Circle in a R-20 Residential Zoning District, ID # 14-237;

Mr. Richard Pelletier of 21 Stepney Circle addressed the Commission. He is asking to install a one-car pre-built garage. He has a hardship because the site is very limited due to the topography. He passed around some pictures showing the layout of the site. He plans to continue the driveway where it ends, continuing up to the proposed garage. If the variance is granted, he would have a 5.5' side yard setback.

Commissioner Comments/Questions

Chairman Reilly asked about the distance between the Mr. Pelletier's house and the garage. Mr. Pelletier said it would be about 15-20'.

Commissioner Incarvito asked if Mr. Pelletier would be doing any work on the stairs once he excavates for the driveway. Mr. Pelletier said he isn't planning to do anything to the stairs at this time. He said a lot of the homes in the area that have garages are also very close to the property lines. Mr. Pelletier said the neighbor that would be closest to the garage has stated that she is in favor of the approval of this application.

Commissioner Benoit read a letter in favor of the application signed by the following residents: **Mr. & Mrs. Sunderhauf of 25 Stepney Circle, Mr. Newton of 23 Stepney Circle and Mr. Beforri of 10 Stepney Circle.**

C. Appeal 2014-8, Truck Toyz Unlimited LLC, requesting a Certificate of Approval under Section 8.7.5 of the Rocky Hill Zoning Regulations for location of a General Repairer per CT Department of Motor Vehicle per Section 14-54 of the General Statutes for automotive accessory installation, for property located at 950 Rear Cromwell Avenue in a C-Commercial Zoning District, ID # 16-263;

Mr. & Mrs. Richard and Monica Mulazzi of 129 Brook Street, Glastonbury addressed the Commission. They would like to get this repair license for this location to operate their business. Their hardship is that they don't actually repair vehicles; they customize vehicles by installing aftermarket accessories, but they are required to have the repair license. Right now they are operating out of Colchester, but they would like to expand. Mr. Mulazzi said they are very involved in the community they are located in and hold a fundraiser every year to benefit a multiple of causes.

Commissioner Comment/Questions

Vice Chairman Coelho asked if all the work would be done inside the bays. Mr. Mulazzi said it would. Occasionally they may have a customer's vehicle outside if they are waiting to be worked on. All work is done inside the garage bay. They are required to have an oil retainment tank but they rarely ever need to have it drained. Vice Chairman Coelho asked how they plan to advertise. Mr. Mulazzi said they are allowed to have a sign out front and he would like to put signage on top of the building so it can be seen from the highway.

Commissioner Benoit was concerned about whether the license would list what they are allowed to do and not allowed to do. He wondered if another business moved in in the future, would the license run with the land. Mr. Mulazzi said the license would be in his name and does not run with the land.

3. NEW BUSINESS

A. Appeal 2014-6, Joseph M. Young, 8 Textbook Ave.

A MOTION was made by Vice Chairman Coelho to approve Appeal 2014 - 6, Joseph M. Young, requesting a variance of Section 3.5.1 of the Rocky Hill Zoning Regulations for a

side yard variance of 10.3 feet and an aggregate side yard variance of 5.5 feet to construct an attached two car garage(24' by 30') for property located at 8 Textbook Avenue in a R-20 Residential Zoning District due to the stated hardship. Seconded by Commissioner Benoit. All were in favor, **MOTION CARRIED UNANIMOUSLY.**

B. Appeal 2014-7, Richard G. Pelletier, 21 Stepney Circle

A MOTION was made by Commissioner Faulkner to approve Appeal 2014 – 7, Richard G. Pelletier, requesting a variance of Section 3.5.1 of the Rocky Hill Zoning Regulations for a side yard variance of 9.5 ' to construct a detached one car garage (12' by 24') for property located at 21 Stepney Circle in a R-20 Residential Zoning District due to the stated hardship. Seconded by Commissioner Benoit. All were in favor, **MOTION CARRIED UNANIMOUSLY.**

C. Appeal 2014-8, Truck Toyz Unlimited, LLC, 950 Rear Cromwell Avenue

A MOTION was made by Commissioner Incarvito to approve Appeal 2014–8, Truck Toyz Unlimited LLC, requesting a Certificate of Approval under Section 8.7.5 of the Rocky Hill Zoning Regulations for location of a General Repairer per CT Department of Motor Vehicle per Section 14-54 of the General Statutes for automotive accessory installation, for property located at 950 Rear Cromwell Avenue in a C-Commercial Zoning District due to the stated hardship. Seconded by Commissioner Benoit. All were in favor, **MOTION CARRIED UNANIMOUSLY.**

4. OLD BUSINESS

Chairman Reilly said he is still trying to set up a joint meeting with the Planning and Zoning Commission to discuss the issue with electronic signage. The Planning and Zoning Commission will be talking about Regulations changes regarding temporary structures. Mr. Kelly handed out pictures showing the different types of temporary membrane structures that are being used in town. Right now there are no regulations for these types of structures. The proposed regulations prohibit structures larger than 200 sq. ft. on residential properties and excludes structures being used for farming. Permits for these structures will be required and no structure can be on a property for more than 6 months in a 12 month period.

5. ANY OTHER BUSINESS

Commissioner Benoit asked about a new house on Glastonbury Avenue that doesn't appear to be within the setback lines. Mr. Kelley said according to the Building Department, all requirements have been met.

At the last meeting the Commission asked Mr. Kelley to check on the landscaping at the Town garage site. He distributed pictures showing the work that has been done on the fencing. There was also supposed to be an additional landscaped screen added. Because of the location of the guardrail so close to the fence they can't put in any plantings. Also, the area is so close to the

street that anything planted there is not likely to survive. They have “beefed” up the fence screening along the street line so you cannot see through it. The Commission expressed concern because the Town Manager promised they would put in the vegetation. Mr. Kelley said they are still looking for some type of planting or vine that would survive in that location. As far as he knows there have been no complaints from the residents across the street.

6. APPROVE WORKING NOTES / MINUTES – April 15, 2014

A MOTION was made by Commissioner Faulkner to approve the minutes and working notes of April 15, 2014 as presented. Seconded by Vice Chairman Coelho. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. ADJOURN

A MOTION was made by Commissioner Benoit to adjourn the meeting. Seconded by Vice Chairman Coelho. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 8:02 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary